

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
212 EAST 72<sup>ND</sup> STREET LLC.

Appellant,

-against-

72<sup>ND</sup> NINTH LLC,

Appellee.  
----- X

22-CV-6776 (ALC)

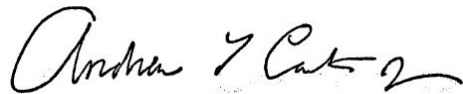
**ORDER OF DISMISSAL**

ANDREW L. CARTER, JR., United States District Judge:

On April 21, 2023, the Court issued an Order To Show Cause by May 12, 2023 as to why this action should not be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (ECF No. 4.) To date, Appellant 212 East 72nd Street LLC has not responded to the Court's order. Accordingly, this case is dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) ("[I]t is unquestioned that Rule 41(b) also gives the district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .").

SO ORDERED.

Dated: May 30, 2023  
New York, New York



\_\_\_\_\_  
ANDREW L. CARTER, JR.  
United States District Judge